

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JERMAINE L. HARP,**

**Defendant.**

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**5:06-cr-0031 (HL)**

**ORDER**

On Thursday July 12, 2007, a hearing was held on Defendant's Extraordinary Motion for Funding to Conduct DNA Testing & Hearing Request (doc. 102). Upon consideration of documents and affidavits submitted in support of the motion, as well as oral argument from both parties, it is, and is hereby ORDERED that Defendant's motion be DENIED. The Court's decision to deny the motion is based on the foregoing factors.

First, the Court noted that the second trial in the above-captioned case is set to begin on Monday, July 16, 2007, and a jury has already been empaneled. Second, the evidence for which defense counsel seeks testing has been present in this case since its inception, obviating the necessity for such an eleventh hour motion. Third, the Court observed that the Government has prosecuted Defendant once before, and was unable to secure a conviction with the evidence at hand. Finally, the Court disagrees with defense counsel that the results of the testing Defendant seeks will exonerate him of the crimes he is charged with committing. Accordingly, the Court finds that the denial of Defendant's motion does not prevent Defendant from adequately confronting the Government's case or from presenting his own defense.

Defense counsel is instructed to submit to the Court authority supporting her request to allow Dr. Linda Adkison, Ph.D. to offer testimony concerning DNA testing procedures. Counsel is

instructed to submit said authority in the form of a brief no later than 9:00 am on the morning of Monday, July 16, 2007.

SO ORDERED, this 12th day of July, 2007.

/s/ **Hugh Lawson**  
HUGH LAWSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

HL/cbb

